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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/649,377	BERINGER, JOERG	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-19,21-25,28,29 and 31-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-19,21-25,28,29 and 31-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20070627*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This case has been reassigned to a new examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 28 is dependent upon cancelled claim 27. There is insufficient antecedent basis for this limitation in the claim. For purposes of compact prosecution, this is treated as being dependent upon claim 25.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14-19, 21-25, 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claims 14-19 and 21-24 are directed toward a system that is comprised of software *per se*. Software not embodied upon any hardware is not patentable. Claims 25 and 28 are directed toward an article on a machine-readable medium. Applicant broadened the definition of machine-readable medium to include "a machine readable medium that receives machine instructions as a machine-readable signal". Specification, page 17, paragraph 0049. Signals are not patentable subject matter. *In re Nuitjen.*

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-8, 10-19, 21, 23-25, 28, 29, 31-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Scharber et al. (US 6,374,290).

11. In regard to claim 1, Scharber disclosed:

defining communities within the enterprise; column 3, line 37

associating collaborative conversation channels with the communities wherein each one of the collaborative conversation channels is associated with a specific one of the defined communities; column 4, lines 52-59

providing access to one of the collaborative conversation channels through a user interface, with each one of the collaborative conversation channels having an associated set of message types that is based on a topic of the specific one of the defined communities; column 3, lines 13-29

receiving, through the user interface, a request to send a message having a selected message type within a selected one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type; and column 4, lines 13-14

sending the message having the selected message type through the selected one of the collaborative conversation channels. Column 3, lines 50-62

12. In regard to claim 2, Scharber disclosed:

identifying members of a specific community; and column 3, lines 36-41

providing the identified members with access to one of the collaborative conversation channels that corresponds to the particular community. Column 3, lines 50-62

13. In regard to claim 3, Scharber disclosed:

each one of the defined communities includes members with one of a common fortune or a common interest. Column 3, lines 36-41

14. In regard to claim 4, Scharber disclosed:

constructing the collaborative conversation channels in accordance with at least one generic channel type. Column 3, lines 36-41

15. In regard to claim 5, Scharber disclosed:

the generic channel type is selected from a group consisting of an operational channel, a strategic channel, and an educational channel. Column 4, lines 24-36

16. In regard to claim 6, Scharber disclosed:

the set of message types includes predefined message templates. Column 5, lines 3-4

17. In regard to claim 7, Scharber disclosed:

users obtain an implicit subscription to a collaborative conversation channel by becoming a member of one of the defined communities associated with one of the collaborative conversation channels. Column 3, lines 51-62

18. In regard to claim 8, Scharber disclosed:

users obtain an implicit subscription to one of the collaborative conversation channels based on information in personal user profiles. Column 3, line 9, lines 51-62

19. In regard to claims 10, 24, 28, Scharber disclosed:

providing filters for filtering the message received through one of the collaborative conversation channels based on at least one of a community type for one of the defined communities associated with one of the collaborative conversation channels, a channel type for one of the collaborative conversation channels, and a community role for members of one of the defined communities associated with one of the collaborative conversation channels. Column 3, lines 51-62

20. In regard to claim 11, Scharber disclosed:

the filters are pre-configured based on at least one of a pre-configured community and a pre-configured community role. Column 3, lines 51-62

21. In regard to claim 12, Scharber disclosed:

providing a predefined set of message types based on at least one of a community type for one of the defined communities associated with one of the collaborative conversation channels, a channel type for one of the collaborative conversation channels, and a community role for members of one of the defined communities associated with one of the collaborative conversation channels. Column 3, lines 51-62; column 5, lines 3-4

22. In regard to claim 13, Scharber disclosed:

providing access to a community place for each one of the defined communities having collaborative components that are based on a community type for each one of the defined communities, wherein access to one of the collaborative conversation channels is provided through the community place. Column 3, lines 36-50

23. Claim 14 is substantially the same as claim 1.

24. In regard to claim 15, Scharber disclosed:

the enterprise base systems comprise applications for facilitating communications. Column 3, lines 3-5

25. In regard to claim 16, Scharber disclosed:

a message server for sending messages to the community through the collaborative conversation channel. Column 3, line 7

26. In regard to claim 17, Scharber disclosed:

the collaborative conversation channel application allows users to list a plurality of available collaborative conversation channels. Column 3, lines 36-50

27. In regard to claim 18, Scharber disclosed:

the collaborative conversation channel application allows users to search for a collaborative communication channel. Column 3, lines 36-50

28. In regard to claim 19, Scharber disclosed:

the collaborative conversation channel application provides a user interface for display on the client devices. Column 3, lines 9-12

29. In regard to claim 21, Scharber disclosed:

messages sent through the collaborative conversation channel are received by members of the community in a message center of the portal. Column 3, lines 21-30

30. In regard to claim 23, Scharber disclosed:

each message received in the message center includes an identification of the community to which the message relates. Column 3, lines 53-55

31. In regard to claim 25, Scharber disclosed:

providing access to collaborative channels through a user interface, with each one of the collaborative conversation channels associated with a specific community and having an associated set of message types that is based on a topic of the specific community; column 3, lines 36-50

receiving, through the user interface, a request to access a template for a selected message type within one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type; column 3, lines 51-62; column 5, lines 3-4

presenting the template for the selected message type through the user interface; column 3, lines 51-62

receiving user input for the template through the user interface to create a message of the selected message type; and column 3, lines 51-62

providing the message to a particular community through the associated collaborative conversation channel. Column 3, lines 51-62

32. Claim 29 is substantially the same as claim 1.

33. In regard to claim 31, Scharber disclosed:

filtering the message is further based on a user profile associated with each of the members. Column 4, lines 38-42

34. In regard to claim 32, Scharber disclosed:

filtering the message is further based on a role of each of the members within each one of the defined communities. Column 4, lines 38-42

35. In regard to claim 33, Scharber disclosed:

automatically associating filtering parameters with each of the members based on a community type for each one of the defined communities and a channel type for each one of the collaborative conversation channels, and a role of each of the members within each one of the defined communities. Column 3, lines 51-62; column 4, lines 16-42

36. In regard to claim 34, Scharber disclosed:

each one of the collaborative conversation channels comprises one of an operational channel and a strategic channel. Column 4, lines 30-35

37. In regard to claim 35, Scharber disclosed:

providing the members of the specific community with the set of message types, wherein the message types in the set are based on a community type for each one of the defined communities, a channel type for each one of the collaborative conversation channels, and a role of the member within each one of the defined communities. Column 3, lines 51-62; column 4, lines 16-42

Claim Rejections - 35 USC § 103

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

39. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scharber in view of Knight et al. (US 6,493,703).

40. In regard to claim 22, Scharber disclosed a network news reader system on an abstract level, but failed to show a graphical program to present an icon for a news article. However, Knight shows that in the prior art, a news reader existed that assigned icons for each news article. See Knight, figure 1D,

column 3, lines 55-67. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Knight with Scharber to allow easy access to articles through a graphical environment on the client computer, or further to allow Knight to filter content (Knight, column 3, lines 56-67).

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uomini US 5,819,269

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2145